

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

PEARLY RHYMER,

Plaintiff,

v.

2003-CV-0081

KMART CORPORATION,

Defendant.

TO: Lee J. Rohn, Esq.
Yvette D. Ross-Edwards, Esq.

ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL DEFENDANT TO
ANSWER DISCOVERY

THIS MATTER came before the Court upon Plaintiff Pearly Rhymer's Motion to Compel Defendant to Answer Discovery (Docket No. 46). Defendant Kmart Corporation (Kmart) has not filed a response to said Motion. The time for filing a response has expired.

Plaintiff alleges that said Defendant has completely failed to respond to Plaintiff's Interrogatories and Demand for Production of Documents dated November 6, 2007. Motion at 1. Plaintiff further alleges that the parties met and conferred on March 5, 2008, and that said Defendant has not performed as it represented that it would at

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such conference. *Id* at 3. In addition, Plaintiff claims that Kmart's failure to timely respond waives any objections to Plaintiff's discovery requests. *Id* at 2.

According to Federal Rules of Civil Procedure 33(b)(4), "[a]ny ground not stated in a timely objection is waived unless the court, for good cause, excuses the failure." *Id*. As this Court has previously stated, "The law is well settled that a party's failure to object to interrogatories within thirty (30) days of service thereof is considered a waiver of any objections they might have had." *Joseph v. General Engineering Co.*, No. Civ. 2000/48, 2002 WL 31618810 (D.V.I. April 15, 2002).

Here, the record reflects that Defendant has not yet responded to Plaintiff's discovery requests and that the time for filing such responses has expired. Consequently, the Court finds that Plaintiff is entitled to responses to discovery as requested, having waived any objections.

Accordingly, it is now hereby **ORDERED**:

1. Plaintiff's Motion to Compel Defendant to Answer Discovery (Docket No. 46) is **GRANTED**.
2. Within ten (10) days from the date of entry of this order, Defendant shall serve upon counsel for Plaintiff responses to Plaintiff's Interrogatories and Demand For Production of Documents dated November 6, 2007.

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3. Defendant has waived any objections to Plaintiff's discovery requests.

ENTER:

Dated: July 21, 2008

_____/s/_____
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE